



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TJR  
Docket No: 4147-00  
7 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 22 August 1950 at the age of 18. Your record reflects that you served for a year and eight months without incident but on 18 April 1952 you received captain's mast (CM) for a 10 day period of unauthorized absence (UA) and were awarded restriction for two weeks. On 4 August 1952 you were convicted by special court-martial (SPCM) of two periods of UA totalling 43 days and failure to obey a lawful order. You were sentenced to confinement at hard labor for two months and a \$20 forfeiture of pay. On 15 December 1952 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded restriction for five days.

The record further reflects that on 18 March 1953 you were convicted by SPCM of a 68 day of period of UA. You were sentenced to forfeitures totalling \$150, confinement at hard labor for six months, a reduction in rate, and a bad conduct discharge (BCD). On 22 June 1953 you submitted a written request for immediate execution of the BCD. Your request stated, in part, that you wanted the BCD executed because you could no

longer support your family on your Navy pay. Subsequently, the BCD was approved at all levels of review and ordered executed. On 18 August 1953 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that due to a personal hardship you made unwise decisions regarding your time in service. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your continued misconduct and repeated lengthy periods of UA. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention of a personal hardship. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director